IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 1488 OF 2005.

Rajaram Govindrao Deokar. ... Appellant.

Versus.

Vimal Shivaji Basagare and others. ... Respondents.

Shri P.T.Thorat holding for Shri R.A.Thorat for the Appellant.

Shri Umesh R.Mankapure for the Respondent No.1.

CORAM : ABHAY S.OKA, J.
DATED : 8th August, 2006.

P.C.:

1. Heard the learned Advocates appearing for the parties. The learned Advocate appearing for the Respondent/original Plaintiff pointed out that in view of the averments made in the plaint, the suit will be governed by section 28 of the Bombay Rents, Hotel and Lodging Rates Control Act, 1947 and the suit was filed in a Court which is competent to hear the suit governed by section 28 of the said Act of 1947.

2. In view of this statement, the Second Appeal is not maintainable. The learned Advocate appearing for the Appellant seeks permission to withdraw this Second Appeal with liberty to file appropriate proceedings.

3. Accordingly the Appeal is dismissed as withdrawn with liberty as prayed.

Judge.